

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MELVIN E. BARHITE, JR.,

Plaintiff,

Case Number: 06-CV-11292

v.

HON. LAWRENCE P. ZATKOFF

MICHIGAN DEPARTMENT OF
CORRECTIONS, ET AL.,

Defendants.

**OPINION AND ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff filed the instant action seeking compensatory and punitive damages for alleged violations of his civil rights by the Defendants. On April 17, 2006, the Court summarily dismissed certain defendants. On October 10, 2006, the remaining Defendants filed a Motion for Summary Judgment. The parties fully briefed Defendants' Motion for Summary Judgment, and this matter is currently before the Court on Magistrate Judge Donald A. Scheer's Report and Recommendation of April 30, 2007 (Docket #38), wherein the Magistrate Judge recommends that Defendants' Motion for Summary Judgment be granted and that Plaintiff's case be dismissed.¹

After a thorough review of the court file, the respective parties' briefs, the Report and Recommendation, and the objection to the Magistrate Judge's Report and Recommendation filed by the Plaintiff, this Court will adopt the Report and Recommendation and enter it as the findings and conclusions of this Court.

¹The Court initially granted Plaintiff an extension of time in which to file his objections to the Report and Recommendation. Plaintiff filed a motion for a second extension of time in which to file objections (Docket #42), which the Court now GRANTS.

In adopting the findings and conclusions of the Magistrate Judge, the Court wishes to addresses Plaintiff's contention that the Magistrate Judge failed to take all of Plaintiff's allegations as true and, at times, misread or misunderstood the statements of Plaintiff in his Complaint. The Court notes that the Complaint (including attachments) filed by Plaintiff was in excess of 500 pages (Plaintiff's objection to the Report and Recommendation was 30 pages). Based on the Court's review of the Report and Recommendation, as well as the excessive filings by Plaintiff, the Court finds that the Magistrate Judge has read the Complaint. The Magistrate Judge's Report and Recommendation clearly addressed the issues raised in Plaintiff's Complaint in the Report and Recommendation, albeit obviously not in the manner Plaintiff would have liked. Moreover, the Court finds that the conclusions reached by the Magistrate Judge are well-founded and legally sound, whereas Plaintiff's objections are not.

Therefore, IT IS HEREBY ORDERED that Defendant's Motion for Summary Judgment is GRANTED. Accordingly, this case is hereby DISMISSED WITH PREJUDICE. Judgment shall be entered accordingly.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: September 5, 2007

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on September 5, 2007.

s/Marie E. Verlinde

Case Manager

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